REMARKS

Applicants thank the Patent Office for acknowledging Applicants' claim to foreign priority, and for indicating that the certified copy of the priority document, Japanese Patent Application No. 2000-108546 dated April 10, 2000, has been made of record in the file.

Applicants herein amend the Title of the invention, the Abstract of the Disclosure and written description to correct grammatical and spelling errors. No new matter has been added. Entry of the amendments to the Title, Abstract and written description is respectfully requested.

Applicants herein amend the preambles of claims 1-20 to recite "e-commerce brokering" instead of "e-commerce broking". Applicants also amend claims 1-20 to remove awkward language and to correct grammatical errors.

Claims 1-20 are all the claims presently pending in the application.

1. Claims 1-20 stand rejected under 35 U.S.C. § 112 (2nd para.) as allegedly being indefinite. Applicants traverse the rejection of claims 1-20 for at least the reasons set forth below.

Claims 1, 7, 15 and 20 stand rejected under § 112 (2nd para.) as being indefinite due to the phrase "making estimates, and presenting them to the buyer. Applicants herein amend claims 1 and 7 to recite "prepares cost estimates and presents the cost estimates", amend claim 15 to recite "makes cost estimates" and amend claim 20 to recite "making a cost estimate". Applicants believe that the § 112 (2nd para.) rejection of claims 1, 7, 5 and 20 has been overcome, and respectfully request withdrawal of the § 112 (2nd para.) rejection.

Claims 3 and 10 stand rejected under § 112 (2nd para.) as being indefinite due to the phrase "wherein information". Applicants herein amend claims 3 and 10 to recite "wherein product information". Applicants believe that the § 112 (2nd para.) rejection of claims 3 and 10 has been overcome, and respectfully request withdrawal of the § 112 (2nd para.) rejection.

2. Claims 1, 2, 4-9 and 11-20 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Teper *et al.* (U.S. Patent No. 5,815,665) in view of Huberman (U.S. Patent No. 5,826,244). Applicants traverse the rejection of claims 1, 2, 4-9 and 11-20 for at least the reasons discussed below.

The Patent Office acknowledges that Teper *et al.* fails to teach or suggest the transaction rules and purchase conditions recited in claim 1. Based on Applicant's analysis of the string of citations on page 3 of the Detailed Action, Teper *et al.* fails to teach or suggest several other features of the invention recited in claim 1. For example, claim 1 recites storing public data and non-public data in a database of an agent, wherein the public data contains standardized attribute information about a product supplied by the plurality of suppliers, and can be viewed to allow comparison of the attribute information of each supplier's product. In contrast, the Patent Office's citations[1] discuss an online broker site to handle user authentication and billing. The citations further discuss the customization of the user logon and access rights, storage of passwords, security and billing matters for the service provider, etc. What is glaringly absent

[1] Col. 2, lines 35-48, 62-67; col. 3, line 54 – col. 4, line 27; col. 5, lines 30-60; col. 8, lines 35-45, 54-62.

from the Patent Office's citations is any teaching or suggestion of a public database that lists attributes of products from different suppliers and presents these attributes for comparison. Furthermore, the Patent Office alleges that Teper *et al.* discloses applying to the agent for a transaction of a selected product. Teper *et al.*, however, fails to teach or suggest the preparation of cost estimates based on a selected product. For example, at col. 11, lines 46-65 of Teper *et al.*, the purchase of a product is disclosed as a simple charge transaction. Unlike the present invention, an agent did not prepare any cost estimates. This feature of the invention is completely missing from Teper *et al.* Finally, the Patent Office's citations with respect to the remaining recitations of claim 1 are not found in Teper *et al.* as well, as those citations describe the online broker registration and user customization, and are not applicable to the recitations of claim 1.

The Patent Office combines Huberman with Teper *et al.* to overcome the acknowledged deficiencies of Teper *et al.* with respect to transaction rules and purchase conditions. The combination of Huberman and Teper *et al.*, however, still fails to teach or suggest the invention recited in claim 1, since the combination lacks any teaching or suggestion of non-public data comprising transaction rules for combination of supplier/buyer[2]. Although Huberman discloses minimum/maximum bids, low bidding, etc. at col. 3, line 50 to col. 4, line 18, Huberman is silent with respect to a transaction rule set for each possible buyer/supplier combination. In fact, Huberman allows an unlimited number of unknown suppliers to bid for a buyer's business; there

[2] Ff there is a plurality of suppliers and one buyer, then there is a transaction rule set for each possible buyer/supplier combination.

is no disclosure that separate transaction rule sets are created for each supplier. At best, the combination of Teper *et al.* and Huberman disclose an online broker system that allows an unlimited number of suppliers to bid for a buyer's business. The combination of Teper *et al.* and Huberman, however, fails to teach or suggest at least the display of product attributes to allow comparison, the preparation of cost estimates and individual buyer/supplier transaction rule sets.

Thus, Applicants submit that the Patent Office cannot fulfill the "all limitations" prong of a *prima facie* case of obviousness, as required by *In re Vaeck*, 20 U.S.P.Q.2d 1438, 1442 (Fed. Cir. 1991). Furthermore, since neither reference discloses several of the inventive features recited in claim 1, Applicants submit that one of skill in the art would not be motivated to combine Teper *et al.* with Huberman. Therefore, the Patent Office cannot fulfill the motivation prong of a *prima facie* case of obviousness, as required by *In re Dembiczak*, 175 F.3d 994, 999 (Fed. Cir. 1999). Applicants submit that claim 1 is allowable, and further submit that claims 2, 4-6, 16 and 17 are allowable as well, at least by virtue of their dependency from claim 1. Applicants respectfully request that the Patent Office withdraw the § 103(a) rejection of claims 1, 2, 4-6, 16 and 17.

With respect to independent claim 7, Applicants submit that claim 7 is allowable for at least reasons analogous to those discussed above with respect to claim 1, in that the combination of Teper *et al.* and Huberman fails to teach or suggest at least the display of product attributes to allow comparison, the preparation of cost estimates and individual buyer/supplier transaction rule sets. Applicants submit that claim 7 is allowable, and further submit that claims 8, 9, 11-14, 18 and 19 are allowable as well, at least by virtue of their dependency from claim 7. Applicants

respectfully request that the Patent Office withdraw the § 103(a) rejection of claims 7-9, 11-14, 18 and 19.

With respect to independent claims 15 and 20, Applicants submit that claims 1 and 20 are allowable for at least reasons analogous to those discussed above with respect to claim 1, in that the combination of Teper *et al.* and Huberman fails to teach or suggest an e-commerce brokering system that at least displays product attributes to allow comparison, prepares cost estimates and stores individual buyer/supplier transaction rule sets. Applicants submit that claims 15 and 20 are allowable, and respectfully request that the Patent Office withdraw the § 103(a) rejection of claims 15 and 20.

3. Claims 3 and 10 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Teper *et al.* in view of Huberman, and in further view of Official Notice. Applicants traverse the rejection of claims 3 and 10 for at least the reasons discussed below.

The combination of Teper *et al.* and Huberman fails to teach or suggest at least the display of product attributes to allow comparison, the preparation of cost estimates and individual buyer/supplier transaction rule sets, as recited in claim 1 and included in claim 3 via dependency. The Patent Office's reliance on Official Notice does not provide any further teaching or suggestion that would overcome the deficiencies of the combination of Teper *et al.* and Huberman with respect to the recitations of claim 3. Furthermore, claim 3 is referring to conversion data that indicates the correspondence between the code systems of different suppliers. A conversion between ASCII and HTML is completely different, since those two

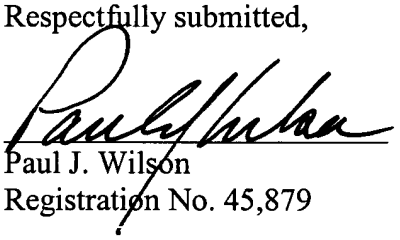
coding schemes are standardized. The Patent Office's reliance on Official Notice cannot extend to the storage of conversion information that indicates correspondence between code systems of different suppliers, which may or may not rely on standardized coding systems. To the extent that the Patent Office is relying on Office Notice with respect to conversion information that indicates correspondence between code systems of different suppliers, Applicants traverse under MPEP § 2144.03 and request that the Patent Office provide pertinent prior are that teaches or suggests such conversion information.

Thus, Applicants submit that the Patent Office cannot fulfill the "all limitations" prong of a *prima facie* case of obviousness, as required by *In re Vaeck*, 20 U.S.P.Q.2d 1438, 1442 (Fed. Cir. 1991). Furthermore, since neither reference or Official Notice discloses several features of the invention recited in claim 3, Applicants submit that one of skill in the art would not be motivated to combine Teper *et al.* with Huberman and Official Notice, and therefore, the Patent Office cannot fulfill the motivation prong of a *prima facie* case of obviousness, as required by *In re Dembiczak*, 175 F.3d 994, 999 (Fed. Cir. 1999). Applicants submit that claim 3 is allowable, and further submit that claim 10 is allowable for at least reasons analogous to those discussed for claim 3. Applicants respectfully request that the Patent Office withdraw the § 103(a) rejection of claims 3 and 10.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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